

manner, so far as applicable, as if an application for a reception order had been made in accordance with that Act, and the reception order so made shall be deemed for all purposes to be a reception order made under that Act, and shall have effect accordingly.

318. Any person against whom an application has been made for an order of medical custody may be arrested by any constable or other person under a warrant issued by a Judge or Commissioner of the High Court.

Warrant for arrest of persons of unsound mind.

319. Any person believed on reasonable grounds to be of unsound mind and to be dangerous to himself or others may be arrested without warrant by a constable or any other person, and shall be forthwith brought before a Judge or Commissioner of the High Court, who may from time to time make such order for his custody as is thought fit, pending the making and determination of an application for an order of medical custody.

Arrest of persons of unsound mind without warrant.

#### *Criminal Lunatics.*

320. If any person on being charged with an offence before the High Court is found to be of unsound mind so that he cannot understand the nature of the proceedings, he shall not be tried, but the High Court shall order him to be detained in prison or in some other place of security until the pleasure of the Administrator or (in the case of a charge of murder or manslaughter) the pleasure of the Governor-General is known.

Insane persons not to be tried for offences.

321. If any person on his trial for an offence before the High Court is found to have been insane at the time of the commission of the offence, he shall be found not guilty on the ground of insanity, and the Court shall order him to be detained in prison or in some other place of security until the pleasure of the Administrator or (in the case of a charge of murder or manslaughter) the pleasure of the Governor-General is known.

Detention of accused persons acquitted on ground of insanity.

322. (1.) Except in the case of a charge of murder or manslaughter, a person shall not be detained under such an order for a longer period than two months, and may at any time be discharged by the Administrator.

Discharge.

(2.) In the case of a charge of murder or manslaughter any person so detained may be at any time discharged by the Governor-General.

323. (1.) When any person is so detained, whether in the case of a charge of murder or manslaughter or otherwise, the High Court shall have the same jurisdiction to make an order of medical custody and to issue a warrant for removal to New Zealand as in the case of any other person of unsound mind.

Orders of medical custody of criminal lunatics.

(2.) Any order of medical custody so made shall supersede the order for detention during the pleasure of the Administrator or the Governor-General, save that, in the case of a charge of murder or manslaughter, no person shall either in Samoa or New Zealand be discharged from custody except with the consent of the Governor-General or become discharged by operation of law under the Mental Defectives Act, 1911.

324. (1.) No person charged with any offence shall be acquitted on the ground of insanity unless the offence was committed by him while labouring under natural imbecility or disease of the mind to such an extent as to render him incapable of understanding the nature or quality of the act done by him or of knowing that such act was wrong.

Defence of insanity in criminal prosecutions.

(2.) A person labouring under specific delusions but in other respects sane shall not be acquitted on the ground of insanity unless the delusions caused him to believe in the existence of some state of things which, if it existed, would justify or excuse his act.

(3.) Every one shall be presumed to be and to have been sane unless the contrary is proved.